

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

April 11, 2005

7:00 p.m.

The Mayor, Council and all in attendance recited the Pledge of Allegiance. A moment of silence was then held for Pope John Paul II.

President Albier: "Okay, thank you. Mr. Fisk, would you call the roll please?"

Clerk Fisk: "Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Here."
Councilman G. Frey: "Here."
Councilman Coyne: "Here."
Councilman J. Frey: "Here."
Councilman Albier: "Here."
Councilwoman Pucci: "Here."
Councilwoman Brown: "Here."

President Albier: "Now the agenda for tonight's Council meeting: We have three ordinances, all three of them on in their third reading, so it'll either be sink or swim for all of them. The first one is Ordinance #2004-70, the third reading, Amending Chapter 505 entitled Animals and Fowl of the General Offenses of the Codified Ordinances of the City of Brooklyn, Ohio; Ordinance, the second Ordinance is 2005-17, also the third reading, Providing for the issuance and sale of \$4.3 million notes in anticipation of the issuance of bonds for the purpose of paying costs of constructing a new fire station and acquiring a new aerial ladder truck; the third Ordinance is also in its third reading, Ordinance 2005-18, Providing for the issuance and sale of \$1.5 million notes in anticipation of the issuance of bonds for the purpose of (1) improving Tiedeman Road between certain termini, (2) improving designated city streets, (3) acquiring property known as Marquardt Playground to be used for recreational purposes, (4) reconstruction of Biddulph Road in cooperation with the Ohio Department of Transportation between Tiedeman Road and Ridge Road, and declaring an emergency; and other matters that may come before Council. I need a motion to approve the minutes of March 28th."

Councilman J. Frey: "I move we approve."

Councilman Coyne: "Second."

Councilwoman Pucci: "Mr. Albier, may I be recognized?"

President Albier: "Yes Mrs. Pucci."

Councilwoman Pucci: "We just have a couple minor changes. On page two, the third paragraph, there's actually three spots the word 'change' just has to be amended to read 'chance'. It's in line six, line eight, and then line fifth from the bottom. And then there's just one more. Page eight, the ninth paragraph down under my remarks, the fourth line. Instead of 'we would' it should be 'we wouldn't'. And I move we approve as amended."

Councilman J. Frey: "So move."

Clerk Fisk: "To approve the minutes of March 28th as amended, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "We'll now have the public session of the Council meeting. Anybody that has anything to say for the good and welfare of the City of Brooklyn, please come forward and state your name and address."

Shirley Palumbo: "Shirley Palumbo, 10218 Micka Drive, Brooklyn. I'm here tonight to give an update on Brooklyn Animal Shelter and to make a proposal to Council. The negotiating committee met with Mayor Patton and city officials again the last week of March. At that meeting we were back to square one, due to city finances. The negotiating committee is working on a proposal spelling out the expected operating costs and start up costs of a shelter, which would meet the minimum needs of an impoundment area for the animal control officer and adoption recovery of stray dogs and cats. The proposal will be worked out with the city prior to its presentation for approval by Council. Mayor Patton has offered, provided Council agrees, to put up a sign on the service garage property at 9400 Memphis Avenue that says, future home of Brooklyn Animal Shelter, thus giving us an address. This would also make known to the public that we will build on that site. We recently visited some of our neighbors and discovered that some of them thought we were building a shelter in the old library building. That's a dream. The reality is we have to raise money, lots of money. We are looking for donations to help build a shelter. Tickets for our fundraiser are available through the animal committee members. That's for the Icehouse Tavern on the 15th of May. Dick Goddard, Channel 8's much honored weather man, who's worked to promote the adoption of homeless dogs and cats, is well appreciated by those of us who love them, will be our special guest. Please join in the fun and help raise money for the shelter. If anyone has medium to large size cages and carriers they would donate, please keep them stored for us until our shelter is built. Our wish list is in our website at www.brooklynshelter.org. The animal ordinance, with its edits, was favorably reviewed by the Safety Committee last week. This ordinance is an excellent step towards doing the right thing for our animals in Brooklyn. We have a lot of work to do to overcome the stigma of animal cruelty we earned in 2004. The next step is having our own ACO and shelter once again. I urge the Mayor to hire a reasonably qualified animal control officer with National Animal Control Association certification, euthanasia by injection training, and national cruelty investigations training. An ACO should be able to take wildlife calls and provide public education on methods to discourage wildlife from causing problems and properly enforce the animal ordinances. In other words, to provide services to the city for an hourly rate without added fees, and thus a predictable, manageable expense to the city. Having BAS, Inc. run the animal shelter as a non-profit organization comprised of volunteers is the same as offering the City of Brooklyn service that money cannot buy. A dedication and love of animals is a calling. You can't legislate it, you can't assign a value to it. What you can do hopefully is appreciate it for the opportunity it is to do something good for those who cannot help themselves. Working side by side to raise money for and later staff a shelter crosses all kinds of lines that separate people, like politics, educational backgrounds, males from females, etc. It can bring a community together. Let's do the right thing. Again, I ask the Council at least approve the sign I spoke of earlier, to give us credibility with the public. Thank you."

President Albier: "Thank you Mrs. Palumbo. Anyone else?"

Jeff Lampert: "Good evening, I'm Jeff Lampert, superintendent of the Brooklyn City Schools. I just want to take a few moments this evening to speak about our upcoming renewal levy May 3rd. First of all, thank the Mayor and the Council for their support. And the renewal issue is Issue 11. And I've been very fortunate, since I've only been here officially three months, but I've had an opportunity sit down and meet with the Mayor on a number occasions. I think the Mayor and I agree that the school-city relationship is very important. It's a critical relationship for the quality of life of all people in the City of Brooklyn. And it's just not the city, it's just not the schools, but it's everybody working together, collaboratively for a common cause. We surely would appreciate everyone's support on May 3rd. And once again, to remind you, it's a renewal, which means there's no increase in taxes. It's for current operating expenses. It'll allow us to continue creating a cloud of success for all of our students. And as I said, I've only been here a short time, I've been very impressed the people of Brooklyn, they have a lot of pride in the community and the school district and they want to do the right thing. So please help us maintain what we have. If you have questions, here's my office phone number, 216-485-8110. Please call me anytime, or better yet please stop by. If you have questions, concerns, suggestions, we're here to help you. It's your school district. So anything I can do to help you, it's my responsibility. Looking forward down the road, we have a literature drop on Saturday, April 30th. We'll be canvassing the community, soliciting, or providing information about the levy. And also coming up on April 26th, which I believe is a Tuesday evening, at 7 p.m., we'll have a State of the Schools presentation by yours truly, to kind of talk about the successes of the past school year, and even more importantly, for us to looking forward into the future and talking about a long-range plan and process. So one again, thank you everybody for your support and your time this evening, I appreciate it. And once again, I said to give me a call anytime, we're here to help you. And like I said, it's your school district and it's a very valuable partnership, so thank you very much."

President Albier: "Thank you Mr. Lampert."

Mayor Patton: "Thank you Mr. Superintendent."

President Albier: "Anyone else care to address the Council? There being no one else, we'll get on with our reports from committees, commissions and boards. The first is the Public Works Committee, and that's chaired by Mr. Greg Frey."

Councilman G. Frey: "Thank you Mr. Albier. I would like to call a meeting of the Public Works Committee for prior to the next Council meeting at 5:30. The purpose of the meeting, to discuss construction of a small animal shelter. I believe that... Well I believe that we ought to be able to spring \$50,000 out of our Capital Improvement budget to build a small animal shelter. I think we ought to be able to get in tune with Brooklyn animal shelter group and try and arrange a condition or an arrangement where we can get some help with the care and control of animals in the City of Brooklyn. We talked about it for months. I think it's time to get off the dime. And so I'd like to bring that up at a Public Works meeting prior to the next Council meeting. And I think that's the end of that."

President Albier: "Thank you Mr. Frey. So that'll be at 5:30 before our next Council meeting."

Councilman G. Frey: "5:30 before our next Council meeting."

President Albier: "Okay."

Mayor Patton: "25th."

President Albier: "25th."

Councilwoman Pucci: "April 25th."

President Albier: "Okay, the next is the Public Safety Committee, and that's Mrs. Kathy Pucci."

Councilwoman Pucci: "Thank you Mr. Albier. The Safety Committee did meet last Monday, April 4th. We had further discussions on the animal ordinance that's on our agenda for this evening. I believe we now do have a piece of good legislation to suit the needs of our community. I did read it again over the weekend, and I did notice just a couple minor typos, and a couple things we need to clean up. So I'll address that when it's on the floor. We also discussed a drug-free workplace policy, as it pertains to a discount on our workers comp premiums. We received a report that we had requested from Mr. Fisk regarding the potential discount and the process for developing this policy. There is a time limit for the discount, which is five years. So since we need time to develop a policy for Brooklyn, and negotiate this issue with our unions, it makes more sense to use the rest of the year to accomplish this, making it effective January 1, 2006. This will maximize the amount

President Albier: "Okay, thank you. We'll now have the reports of Council, and I believe Mrs. Gallagher you're first."

Councilwoman Colleen Gallagher: "Thank you Mr. Albier. Good evening ladies and gentlemen. Tonight I will address the concerns of the residents I have spoken to in the last two weeks. The first issue is the summer Day Camp. Mrs. Andrea Badza collected a lot of impressive information about the summer camps that I will pass onto Council. I believe this issue needs some serious consideration as a joint venture between the schools and the city, as Mrs. Badza suggests. Our existing program is flawed and very costly to the citizens of Brooklyn. As I proposed in the past, and also Councilman Greg Frey has voiced his support about getting involved with the children of our city, we cannot afford to let our children slip through the cracks. Mr. Sforzo, I had a resident inquiring about the restrooms at Marquardt Park, are they open?"

Comm. Sforzo: "The restrooms at Marquardt, not yet."

Councilwoman Gallagher: "Why? The weather's..."

Comm. Sforzo: "They will be... We can't open them until we know there's not going to be a freeze so the pipes don't freeze. So now that soccer has started, and I believe we will be open."

Councilwoman Gallagher: "Yeah, because I had a gentleman, he had to keep going home, and he asked me why it wasn't open. I remember it was because of the weather, but the weather's been great, so..."

Comm. Sforzo: "Yeah, well it's just changed. We had a snow storm a week ago. And the same thing with the bathrooms up here, we don't open them, but we have a plumber working on the pipes and stuff now. We have to make sure the weather's going to maintain so we don't get a freeze. But they will be open now that, once they weather turns and we know it's going to stay."

Councilwoman Gallagher: "Okay, thank you Mr. Sforzo. At the request of a citizen I visited the Sport Court at Memorial Park last week. I was appalled at the amount of vandalism I seen at our park. I know this problem is an ongoing issue, but it seems to have gotten much worse lately. And if we don't do something we may as well just close it down. Mayor Patton, when we installed the new cameras for the police communications center, did we consider mounting a camera in this area?"

Mayor Patton: "Chief, you were on that today. There's two cameras that actually cover that area."

Chief Murphy: "Well, there are a couple cameras up there, but a tree is blocking one because of the location of the skate park. It's behind the basketball courts, and sort of hidden back there. We might be able to transfer that, get another camera going there that can look in there. But I don't know if we're going to get a good shot at that, because of where that skate park is located."

Mayor Patton: "We could always remove the tree."

Councilwoman Gallagher: "Thank you Mayor."

Mayor Patton: "And could I update you on that?"

Councilwoman Gallagher: "Could I ask you something? Is the police investigating that vandalism?"

Mayor Patton: "Absolutely."

Councilwoman Gallagher: "Okay."

Mayor Patton: "As of this time, the sport court is closed, due to damages, severe damages. The basketball rims have been taken down. We have to make preparations for summertime, so at this time the sport court area will be closed until further notice. And we'll work on opening it up for summertime."

Councilwoman Gallagher: "Thank you Mayor."

Mayor Patton: "Sorry to interrupt your report."

Councilwoman Gallagher: "That's okay. Tonight I have a resolution I would like to introduce at the next Council meeting, urging the state to force convicted sex offenders to have special license plates identical to the yellow plates issued to repeat drunken drivers. Officials estimate that there are more than 400,000 convicted sex offenders living in the United States. 20-25% of sex offenders have moved an alluded law enforcement despite laws requiring them to notify authorities of their home addresses, according to the National Center for missing and exploited children, a Washington based advocacy organization. People have a false sense of security. Registered sex offenders doesn't mean anything. When a sex offender leaves prison it doesn't prevent them from getting into the cars and heading towards any community. I believe our young adults and children need to be protected and our city should be informed of their presence. So Mr. Shaper, I'm going to pass on some legislation after the meeting for you for the next Council meeting."

Director Shaper: "Thank you."

Councilwoman Gallagher: "And spring is finally here, and a friendly reminder to all pet owners of Brooklyn. Please keep your dog on a leash when they are outside so the walkers of Brooklyn are not hindered by your dog chasing them. And for my last item, I'd like to share some information with the residents of Brooklyn. About a month ago I asked about changing the garbage pickup to bags to prevent empty cans from blowing in the street. Well my family started practicing this suggestion ourselves. I would encourage other working families to try to do this. Not having to bring back your garbage cans every week from the treelawn is great. And that completes my report."

President Balbier: "Thank you Mrs. Gallagher. Mr. Greg Frey."

Councilman Greg Frey: "Thank you Mr. Balbier. I wholeheartedly support the thesis of Colleen's resolution. I think sometimes we go way, way overboard protecting the rights of people that have caused great harm and problems to children at the expense of children. And I think it's time that we stand up and be counted a little bit on that. Chief Murphy, I had a call today from a resident inquiring if we could look into walk/don't walk signs at Tiedeman and Biddulph, and at Brookpark and Tiedeman. She said she almost hit somebody the other day, and it just shocked her that there's, I don't know what the signalization is up there, but what she was looking for is walk/don't walks. Okay, at Tiedeman and Biddulph, going across Tiedeman I believe, and down at Brookpark. If you would look into that. I said a few minutes ago that I wanted a Public Works meeting prior to the next Council meeting. What I forgot to add is I would hope and invite Mr. Kappler and Mr. Shaper and Mr. Fisk and Mayor, certainly yourself, to attend so that we can have an open discussion. I would appreciate it if you could be there. The last thing that I want to talk about is the animal ordinance that's before us tonight and up for adoption. I like most of this ordinance. I thank Kelly Gallagher for all the work she put into it, and Colleen for all the work she put into it. I have two problems though that are deal breakers for me. One is in Section 505.1 (A) Appointment. The second to third line... Well, appointment. 'An animal care and control officer shall be employed, contracted or appointed by the Mayor and shall be confirmed by City Council.' I have a problem with that because the Charter very specifically says who shall be confirmed by the Council. If the Council decides that it wants to take over the Mayor's authority to hire or what not, then the Council should go to the Charter Review Commission and ask for a Charter change that gives them the authority to do that. So I would hope that we could strike that from this ordinance, just the part, 'shall be confirmed by City Council.' I don't think Council should have anything to do with the hiring of an animal control officer other than our normal input. The other issue is on page eight. I think this is still Section 505.01(C)(16). The paragraph reads, 'Sufficient funds shall be appropriated in each annual budget of the city for personnel, a badge and uniform, vehicles, and any other equipment necessary to carry out the duties of animal care and control officer. Sufficient funds shall also be appropriated when available for education of the animal care and control officer, or officers, and the public.' And as I have stated at the Public Safety meetings, I think that we need to put a number in here. I think we need to know what we're talking about. I would suggest that we put in a figure of like not to exceed \$25,000. I believe we already have \$22,000 budgeted for animal control. I think we're gonna need a few extra dollars to do the record keeping and the storage that's required in the ordinance. So I think there should be a not to exceed. This ordinance, okay, it talks about an annual appropriation. That's an appropriation this year, next year, the next year, the next year, all the years. This is a number that we need to keep an eye on. It's an operations expense to the city, okay, and it's a bill that's going to be handed to you the taxpayer. I think that it would be appropriate for us to have some kind of handle on this number. When I asked about it at the Safety meeting, Mr. Coyne told me I had the cart before the horse. Well this is up for adoption tonight, okay. I respectfully disagree with Mr. Coyne, I think we need to talk about this now. After we pass the ordinance I think is too late. So I would ask for consideration on those two items. If I get it I'm certainly willing to vote for this ordinance, and if I don't, I won't. I think that's the... Oh, and Mayor, I would encourage you to sit with Mrs. Gallagher and Mrs. Palumbo and start talking about an animal control officer. I think we should do that, I think we should move ahead. And that's what I think. That's the end of my report. Thank you."

President Balbier: "Thank you Mr. Frey. Mr. Tom Coyne."

Councilman Tom Coyne: "Thank you Mr. Balbier. Good evening to all our residents. I hope you all had a great weekend, it was beautiful weather out there. I did a lot of yard work, as I saw a lot of my neighbors were out there doing yard work. To Superintendent Lampert, I wholeheartedly support you coming up here and asking for our support. As most of the residents know, I've always in the past given my wholehearted support to the school levies, and I encourage everyone on May 3rd to vote for the Issue 11, the renewal tax levy and support our schools. Thank you Chief Murphy for the report, very informative. And thank you Ivan

Dockery for the Northcliff Neighborhood Coalition update, and the report on the block party garage sale which will be June 23, 24, 25. And to Kay Hutkay and our seniors, I know some of the people and the residents in the audience tonight were at the pancake and sausage breakfast yesterday morning, and it was a great time as it always is. Our seniors do an excellent job at that pancake breakfast, and it was a very enjoyable event. Last week, along with Mr. Kappler and our city engineer Doug Courtney, I drove the streets of Brooklyn to look at the proposed repairs for this coming year, and they are definitely some of the worst streets I've seen in many, many years. I've received many e-mails and phone calls, and yesterday at the pancake breakfast I ran into a number of people even that the primary complaint, or the only complaint I got, was what are we going to do about our streets, our cars are getting destroyed. And I agreed with them and told them that we need to do quite a bit. I could remember in the previous administration one of the big complaints was the bird baths along the curbs of the street, and that's areas where it doesn't drain properly into the sewers. Unfortunately we got a lot worse problems than that right now. And I can remember Mr. Frey asking in January why we weren't getting ready to go out for bids for the work to be done, because by April all the good contractors were already working, which in many cases they already are. If any of you've driven the streets in the greater Cuyahoga County area you'll see a lot of contractors out there starting road work already. I think we need to get going as quickly as possible and get out for bids. And Mr. Fisk had reported earlier, I had asked him what the total amount available for the street repairs this year is 400,000. But obviously we need much more, but we may not get that much more. Mayor, I'd like to sit down and meet with you on Wednesday morning to review what we can do to get our roads project started as quickly as possible."

Mayor Patton: "I won't be available Wednesday morning. I'll check with you after the meeting to set the date."

Councilman Coyne: "You won't be available Wednesday at all, or...?"

Mayor Patton: "No I won't."

Councilman Coyne: "Okay, we'll have to work something out. I wholeheartedly support Mrs. Gallagher's comments on the license plates for sex offenders. I think that's a great idea, and I hope we get the support on the state level also. And that's all I had."

President Balbier: "Thank you Mr. Coyne. Mr. John Frey."

Councilman John Frey: "Thank you Mr. Balbier. Yes I attended the pancake breakfast, it was the best we've ever had. Believe it or not they had scrambled eggs, and they were delicious. There's a new method of making scrambled eggs. And I can't believe they fed everybody. You got scrambled eggs, three sausages, applesauce, coffee, orange juice, pancakes and maple syrup. And I thought I paid \$6 a ticket, everybody else is telling me they got it for four bucks. I want an investigation into this, Mayor. In any event, it was a wonderful breakfast. I thank Kay Hutkay for that. I talked to Chief Murphy this afternoon, because I received a comment at the breakfast that the traffic on Tiedeman Road is being held up when you're going north and then want to turn left due to the new lights, because it does not leave more than four, five, six cars maybe through those lights. And you know the traffic on Tiedeman is tremendous. Something has to be done, and I know the Chief is working on that. And I also noted at the City Hall, when you try now to get out of City Hall, at times you're held up because of those traffic lights on Memphis Avenue. They cost a fortune, but they're not controlled by us as of yet. But, you know, we don't have that kind of traffic on Memphis Avenue, and the problem now is for side streets trying to get onto Memphis Avenue. We're having a tremendous backup on Tiedeman Road. Something's got to be done, and I know Chief Murphy's working on that. Also, I've been trying to get the oval that's on Sunset Oval repaired, it's suffered a lot of damage over the winter, and we lost the tree, we lost the mud and everything else. In any event, while looking at other ovals this afternoon, I stopped on Summer Lane, and Summer Lane has a resident there that has a major complaint about people parking right around that small oval. Heir's is a small oval, and it's hard to pass another car if somebody is parking on that little oval. So they're requesting no parking signs around the oval on Summer Lane. I understand the rubbish trucks can't get through without going up on the new concrete that they put in the center of the ovals without going up on those to get past these cars. So I ask that you put some no parking signs up on Summer Lane oval. At that, that's all I have for now. I'll have more later when we get into the ordinances."

President Rich Albier: "Thank you Mr. Frey. I have a couple of things. One of them was what Mr. Frey referred to, the traffic lights on Memphis. I received a call from a gentleman that said the light wasn't working right at Memphis and Radoan. So I went up there and sat and watched it for cycles and I couldn't figure it out. So I went to the Police Department, and Chief Murphy and Sgt. Miller explained it to me. If you're heading west on Memphis and you got to the light at Radoan and you're waiting for the light to change, when they light changes from red to green the arrow always came on to make a left turn down Radoan. It still does that, however it only does it when the car is up there, and there's a traffic actuator in the street, you have to be stopped in front of the light when it's red. Then when it changes to green it'll give you the arrow so you could make your left turn. However, if you're like 100 feet before the light and it's changing, you won't get the arrow. And what happened, somebody was so used to getting that arrow, as they approached it they saw the light turn green and they started to make their turn onto Radoan and almost got wiped out by the cars eastbound. So, and just like John said, at Tiedeman and Memphis also there's some changes. So just watch the lights, because there are little changes. And, the Chief's working on them, I'm sure they're going to work them out, but you have to watch the traffic light. And we're letting what we've done all these years take preference, and we're thinking it's going to change for us to an arrow and it doesn't. The other thing I have, at the last meeting I asked Mr. Shaper about the Personnel Policy Manual, and he said they were working on it. So we've gotten a memo from Mr. Fisk, but it's only about 60% complete, and the rest of it should be completed by the end of the week hopefully. So I'm asking my Councilmembers to read it over, and if you're pretty well in agreement with it, we'll put it on the agenda for next week for next Council meeting, but if you're not, then we'll have to call another special meeting to work it out. Also, the Cuyahoga County Solid Waste District puts on various things for recycling, and their next one is on May 14th at the Cuyahoga County Fairgrounds. And that's if you have any old computers or computer parts and you don't know how to get rid of them, this is the perfect opportunity. So that would be May 14th at the Cuyahoga County Solid Waste District, at the Fairgrounds rather. The other thing I had, I had a complaint about a fire hydrant that was down on Brookpark by Tiedeman and Brookpark. So I called Mr. Kappler's office and his secretary told me they're aware of it, it's on their list, however they're waiting for the water department to check it first. And also, the city usually, with fire hydrants and things like that, we usually wait till we have a couple, or three, and then we hire a construction crew, we get a cheaper price when they do more than one at one time. So that was probably one of the reasons also. And that's all I have. Mrs. Pucci."

Councilwoman Kathy Pucci: "Thank you Mr. Albier. Good evening. I would like to first offer my condolences to the Hopp family on the death of Mrs. Hopp. They have my deepest sympathy. And Mrs. Palumbo, thank you for your remarks. And also thank you for all your efforts for this worthy cause. And Mr. Lampert, thank you for joining us this evening, I appreciate your attendance. I too would like to also encourage everyone to please support Issue 11. And thank you also for the invitation to the State of the Schools address. And Mayor, thank you for the report on the sewer inspection, I appreciate that. Chief Murphy, thank you for ordering the proper crossing signs for in front of the high school; and thanks to Doug Rehker and his men for getting them up so quickly, I appreciate that. And thank you Chief also for the annual report. I did receive a complaint from some residents on Northcliff regarding traffic coming out of Ridge Park Square going straight instead of turning, going the wrong way down a one-way street. And I know that this comes and goes in spurts, but if you could please give that some special attention I'd appreciate it. They said it typically starts later in the afternoon when traffic starts to get heavy. And I too had a copy of the resolution calling for the special license plate identifying the sexual predators, and I support this wholeheartedly. If we can make the public aware of habitual drunken drivers, we can certainly make them aware that someone is a sexual predator. Last week I had a call from a resident complaining about the damage done to sport court. I went up there and I couldn't believe my eyes. I did take some pictures, I'll pass them down this way first, and then we can pass them back down. You can see it looks like someone used a hack saw to cut off part of the iron fencing. I told Rich, since he was on the Rec Board, and I think he went up there. And I also reported it to Jim Coyne. And I know that they did start cleaning it up. I was on the Rec Board when we made the decision to open the skate park, and I spent many, many hours talking to and visiting other communities who already have the skate parks, to see what we could learn from their experience. It was very informative, and I shared this information both at the Rec Board meetings and at the Council meetings. The universal topic that everybody stressed was the need for ownership and accountability for the students who use the skate park. I went back through my notes over the weekend, and at the time I reported, I just picked two other cities, and this is what they stated. They had minor vandalism at first, escalated into a large component being stolen, then several weeks later extremely bad graffiti, including a swastika, which we had also at our skate park, he closed the park down indefinitely. That was the only way to let the kids know that this won't be tolerated. The installed a gate, they did hire some skate

boarders to monitor, and they monitored behavior, not skateboarding, because we don't want to take on that liability. From another city. Someone has to have a repertoire with the kids. This is very important, because you need the kids to cooperate and understand that they have to report vandalism and theft if they know who did it, or even after the fact become aware of the perpetrators. They need to share that information. It can be confidential, otherwise the skate parks are shut down. The cities need to know and go after the people who commit these crimes or it just escalates and becomes unmanageable. Now we have an investment over there, and it can't be tolerated. We have rules already in place to help us with this. After 5 p.m. the facility is for residents and their guests. This has to be enforced this summer. For years we had many complaints from residents when we just had the basketball and tennis courts over there, that our own students couldn't get on the basketball courts. When the area was renovated the Rec Department and the Rec Board came up with the solution, which was approved by the State, we had to get their permission because we had received some grant money. And I think this will go a long way in helping us eliminate this problem. And Mayor, I have to say that I don't believe that the answer is to shut down all of sport court, because I don't believe that everyone should be punished. I do think we need to shut the skate park down, which I know has already been done. I think we need to invite the students and their parents to the next Rec Board meeting, which I believe is next Monday, Mr. Albier?"

President Albier: "Yes."

Councilwoman Pucci: "And let them know what the situation is. That if they want to have a skate park they need to assist us in ensuring that this doesn't happen again. At all the meetings we conducted during my time on the Rec Board when we were going over these plans, we took the names of the students and their telephone numbers, and I'm sure Chris Dress has them on file. I think all the students who came to these meetings, they were made aware of this, and I believe this was probably done by other people. However, I still think we need to involve our own students. So if you will consider that, Mr. Albier, and contacting Chris Dress. I think that'll enable us to get the right start to the year, if we have a meeting with the kids and their parents. Regarding the animal shelter. As everyone knows, we've been going back and forth trying to come up with solutions. And I realize that this is impacted by the proposed cuts by the State with the Local Government Fund. And Greg, thank you for your support. I do think it's time we moved forward on this issue. However, I believe I have a partial solution. We have \$35,000 appropriated for a mini van for the Senior Center, and I suggest we petition in writing the attorney for the Groeger Trust to see if they will pay for it, and if they agree that frees up \$35,000 of those funds, and I believe we can add the 15,000 to it and start with something very acceptable. I think that would be a good start. Finally, a bit of Brooklyn trivia. Thirty years ago today the public was invited to the opening of our Recreation Center. This marked our community beginning a full time Rec Department. We've had many accomplishments and proud moments over those years. In 1990 and 91 we were finalists in each of those years, and in 1992 we were the National Gold Medal winner, number one in the country. We were judged on improvement, continuing development, future planning, and community involvement. And I believe it was in 1999 that our parks system was rated number one for our parks renovation project. Congratulations to Jim Coyne and the staff, both present and past, and also to all the residents. Thank you Mr. Albier, that completes my report."

President Albier: "Thank you Mrs. Pucci. Mrs. Brown."

Councilwoman Rita Brown: "Yes, thank you Mr. Albier. I have several things to cover tonight in my report. First of all I too would like to welcome Mr. Lampert, our new superintendent of schools. And I encourage everyone to support the operating levy that will be on the ballot. As you know, as our school goes, our city goes. Look at the mess they have in Cleveland. As far as that goes, look at the mess they have in Parma. Brooklyn is known to take care of its own. We have to provide a good educational area for our students, for our youngsters, so they will grow to be responsible citizens. And I support this levy all the way. I wish I could give a generous donation. Sorry guys, I'm a poor widow. But you have my moral support. Okay, and thank you Greg for your support for the animals; and the points that you brought up are reasonable, and I think that we can get by these. We can discuss them and we can get this, we can get this show on the road. And I'm sure the Mayor will hire somebody capable, the right person this time. I think he was short changed on information with the last one. But I'm sure he'll do a good job. Mayor."

Mayor Patton: "I will."

Councilwoman Brown: "Okay. Let me see. Now I am very, very sorry to report with this nice weather trash has appeared on our front lawns on Sunday. Now let's face it, we're gonna have to get tough. Chief Murphy, if you can instruct our officers, when they see trash on front lawns, it's against the law in Brooklyn to put this trash on our front lawns over the weekend. We do have to get tough. Mayor, you know, I'm serious on this. We have to get tough on this trash situation. And I'm very sorry to report that the report that I got was the trash on Delora, on Northcliff, and even on Archmere, my own street, that I did not catch. Because believe me, I would have had our officers out there, with ordinances, demanding these, whether they're renters or homeowners, get that trash off our front lawns. We have to take care of our city, every single one of us. And that's... Let me see. Okay, and last but not least, the animal ordinance. I do want to report that with this nice spring weather that I've noticed a few little animals, little doggies walking around, I know they're local, they have their collars, somehow they got away from their owners. But the big point that I want to bring to our attention, to have our own animal control officer. Every summer I get the calls, Mrs. Brown, the neighbor next door, their dog is barking, they are driving me crazy; or I have cats in my vegetable garden making it their private toilet facility, what can we do? Well I used to be able to call the Police Department, leave a message for the animal warden, to go out and talk to these people. I can't do that anymore. I can't call Greg Miller in from Oakwood Village, he won't come anyhow, he works full time for Solon. But you see the problem that we have when we don't have our own animal officer. Even if he or she is only part-time, we have to start somewhere. So I am all for the ordinance. I think we can work out the glitches. And I am encouraging the hiring of our own animal officer. And that completes my report."

President Balbier: "Thank you Mrs. Brown. That concludes reports from Council. We'll now have the Mayor's report. Mayor Patton."

Mayor Patton: "Okay, thank you. First thing I'd like to do is ask Council to authorize a sign being put in front of the service garage, state, 'The Future Home of the Brooklyn Animal Shelter.'"

Councilwoman Pucci: "Move to approve."

Councilwoman Brown: "Second."

Councilwoman Gallagher: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To approve the placement of a sign for the Brooklyn Animal Shelter at the service garage, Colleen Gallagher."

"Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Balbier."

"Kathy Pucci."

"Rita Brown."

Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Councilman Balbier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Mayor Ken Patton: "Okay, Andrea Badza brought forth some great ideas when I spoke with her over the last couple weeks. We played phone tag recently, though. And idea that came forward today, rather than changing the time of day camp from 8:15 until 3:00, why don't we consider 8:00 to 2:45. It let's the people get to work a little earlier, dropping their children off, and basically it comes down to a regular school day. It's very similar to what a school day would be. Also, I urge everyone, if they see a pothole, they have rough terrain in front of your house on your street, please call the service garage, they will be out there. Our sweeper is getting out there nearly every day. We hope to have it out for 14-16 hours a day as we continue into the warmer weather. As Mayor, as Councilpeople, as citizens, it's important that we respect each other's views and to prioritize what each of us think is the best action for our entire community. This being said, there are also some who think they advance themselves to look smarter or better by criticizing, misleading or insulting others. But what is not realized is that our residents see right through their smokescreen, their lack of tactfulness, and their lack of diplomacy. When I make a decision I do not take one side of the story as gospel. I respectfully listen, I do my homework, and then find out the facts. And I find the other side of the story also. I base my final decision on one criterion, that being what is best in the interest of all Brooklyn residents and businesses. Issues must be defined by how can the concerns of the residents of Brooklyn be

most economically, efficiently and effectively be addressed. The ordinance pertaining to animal care on tonight's agenda has improved considerably since its original drafting. I do not believe anyone in this room knows the economic impact of this ordinance. I'm very concerned that this ordinance mandates my administration to take certain actions without quantifying the consequences. This ordinance has two areas that may be in conflict with the City of Brooklyn Charter. This ordinance does not have financial limitations or ranges of funding for the animal care, animal warden, let alone the demands of supplying a shelter and continuing education. No fees are addressed for costs of trapping, adoption, repeat violators for impound violations, or for animal disposal. I do feel, however, that Council could finish their job on this ordinance and make it a solid piece of legislation. It's entirely up to them. I will not utilize my veto power for this reason. And I would like to move forward and not think that, and think that it's in our citizens' best interest not to have battled with Council. There are more important issues at hand. I'd like to have a proclamation. Proclaiming Friday, April 29, 2005 as Arbor Day in the City of Brooklyn. And we will be planting a tree with the third graders. Computer classes for seniors are still available, and that's seniors, ages 50 plus. It'll be held over at Brooklyn High School, and the classes are limited to 10 senior students each. All classes will be held at Brooklyn High School, 9200 Biddulph Ave. It's Basic Computers, Word Processing, and Internet and E-Mail. And the sign-up has begun as of March 28th. The classes will be limited to 10 per class, and there are many openings. So please, come forward and sign up for your class. Cuyahoga County Mayors and City Managers Association passes out Legislative Updates. One is pertaining to e-check, to end in Cincinnati and Dayton, modified in northeast Ohio. And it states, 'The Ohio EPA has recommended ending the controversial e-check vehicle emissions testing program in Cincinnati and Dayton effective the end of this year. The recommendation also includes modifying the controversial program in Cleveland and Akron by requiring inspections only for vehicles older than four years, and the possibility of new restrictions on emissions from industry power plants and other consumer products. So hopefully we can look for a change in that. I have received a copy of the Parma Community General Hospital report for 2004, and I was told that it was going to be mailed to Council also. Did you get your reports? Alright, very good. I was asked by the Laurel Garden to mention, 'How to plant and maintain an herb garden. Have you ever thought about growing your own herbs? Fresh herbs are easy to grown and most require little maintenance. Judy Strauss will present a slide program and discuss the planting and maintenance of many specific herbs, their uses, harvest and storage. Co-sponsored by Brooklyn Laurel Garden Club.' It takes place at the Brooklyn Library on Saturday, April 23rd from 2-4 p.m. And please register for this program by calling 398-4600. NOPEC and Green Mountain Energy, this is the electrical portion of NOPEC, have agreed to a two-year extension of the current contract. The original six year agreement, which had been set to expire at the end of 2006, now will run through 2008. And we will be conducting an anniversary electric opt-out later this spring to continue our savings program for the period thru December 31, 2006. Still no word on the gas agreement. At this time I'd like to re-appoint Mrs. Ruth Leahy to the Parma Community General Hospital Board as representing the City of Brooklyn on their Board of Trustees."

Councilman J. Frey: "I move."

Councilwoman Brown: "Move to approve."

Councilman Coyne: "Second."

Councilwoman Gallagher: "Second."

Councilwoman Pucci: "Second."

Clerk Fisk: "To approve Ruth Leahy for the Parma Hospital Board, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Balbier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Balbier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Mayor Patton: "I mentioned to Councilwoman Rita Brown in the Finance meeting, we're looking to update something that fell through the cracks back in 1990. 1990-17 was our rubbish and recycling ordinance, and

one of the ordinances rescinded was no rubbish in the side yard. So we'll have to come back to Council and put that as an amendment to this ordinance. And also, I know Mr. Ockington is working on the elimination of those little post up signs that are winding up on the highway ramps. I'm pleased to report that the City of Brooklyn will be working with 30 students in the Brooklyn Middle School to beautify the Commons at Biddulph and Ridge Road. Under the direction of Mr. Wolfe, the Brooklyn Middle School Student Council will be working with city employees on May 18th on the project. There is a planning meeting scheduled where students will be visiting the site to prepare their plans. And as the warmer weather comes in, please drive more carefully, watch for the children, slow down in construction zones. There was a Middleburg Hts. police officer that was hit from the rear today while he had somebody pulled over, and he's in intensive care this evening. So please, drive a little more carefully. Mayor for a Morning fundraiser for Harvest for Hunger. The City of Brooklyn participated each year for the Harvest for Hunger campaign. This year the City of Brooklyn teamed up with St. Thomas More and Brookridge Elementary School to help raise money for the Harvest for Hunger campaign during the month of March. Raffle tickets were sold at lunch periods to students for 50 cents apiece for a chance to win lunch with the Brooklyn police officers and firefighters, and the grand prize, chance to be Mayor for a morning. The students raised \$300 for this worthy cause, and the winners were as follow: From St. Thomas More, Mayor for a Morning was Margaux May, a kindergarten girl; lunch with police officers were Nick Jablonski, Ronnie Jenkins, Megan Bloom, Brandon Sforzo, and Daniel Foster; lunch with the firefighters, Erika Mazzeo, Russell May, Margaret Kelly, and Mary Reed. From Brookridge Elementary, Mayor for a Morning was Bernadette Schneider, a third grader; lunch with the police officers, A.J. Williams, David Simonson, Marisa Vega, Alyssa Register, and Frank Romano; lunch with the firefighters, Brandon Washburn, Emily Lachkowski, Jim Slaybaugh, and Anthony Pagano. Thank you to Mrs. Jennifer Francis, the principal over at St. Thomas More; and to Mr. Brent Monin, principal at Brookridge Elementary; and to all the help from our Brooklyn Police and Fire Departments, along with our Service Department and Recreation. As many Councilmen give accolades to our crew over at the Senior Center, 363 pancake breakfasts were served yesterday, so it was a good crowd. And also the paramedics will be over at our Senior Center from 10-11:00 on Thursday, April 14th, and then again on April 28th. And that's my report."

President Balbier: "Thank you Mayor. Just one question on that Parma Hospital appointee. How long is that for?"

Mayor Patton: "Two years."

President Balbier: "Two years?"

Mayor Patton: "Yes."

President Balbier: "Okay, next on the agenda is the directors' reports. And first we have the Finance Director, Mr. Fisk."

Director Fisk: "Just wanted to talk for a minute about income tax and extended hours to help you get your income tax in. The State of Ohio has changed the municipal due date to, for income tax filing to April 15th. Many cities, and we are going to be one of them, are going to continue to honor April 20th for this particular year. We will then be changing our tax codes to comply with the April 15th for next year. So normal business hours are Monday thru Friday 8-4:30 p.m.; but for your convenience as filers, we've extended our office hours. On Wednesday, April 13th we will be open 4:30-7:30; on Friday, April 15th 4:30-7:30. And then Monday, April 25th 4:30-7:30; Wednesday, April 27th 4:30-7:30; Friday the 29th the same hours; and Saturday, April 30th from 9 a.m. to 2 p.m. City income tax forms are available at Brooklyn City Hall, the Brooklyn Library or the City of Brooklyn website. If you live in Brooklyn and ... If you live in and work in Brooklyn, filing with the city is mandatory, whether you owe taxes or not. As usual, if you are required to file in Brooklyn we will gladly assist you in filling out your city tax forms at no cost. So there are extended hours available. The state deadline is April 15th, we will honor through April 30th as on time here in the City of Brooklyn. Thank you."

President Balbier: "Thank you Mr. Fisk. Next is the Service Department, Mr. Kappler."

Director Kappler: "Thank you Mr. Balbier. I have one thing to report on this evening. On April 5th I met with representatives from CTG Environmental, which do asbestos testing. They went to the old library and

their representatives removed 25 samples, and they will be checking for asbestos, and the results should be back within two to three weeks. And that completes my report."

President Albier: "Thank you Mr. Kappler. Next is the Building Department, Mr. Ockington."

Comm. Ockington: "Thank you Mr. Albier. The City of Brooklyn will begin offering exterior maintenance grants in 2005 funded by the Cuyahoga County Department of Development. Grants of up to \$5,000 will be available to a limited number of eligible low to moderate income residents. Applications will be available in the Building Department beginning April 14, 2005. You may contact the Building Department at 216-635-4203 for further information. That concludes my report."

President Albier: "Thank you Mr. Ockington. Police Department, Chief Murphy."

Chief Murphy: "Thank you Mr. Albier. No report."

President Albier: "Fire Department, Chief Duchoslav."

Chief Duchoslav: "No report this week sir."

President Albier: "The Law Department, Mr. Shaper."

Director Shaper: "It'll be short, but I assume this is my chance to speak on the animal ordinance. I wholeheartedly agree with Greg Frey's comments regarding the confirmation issue in the Charter. The goal for me to any ordinance is that it serves the residents and it's legal in all respects. It should also be easy to understand and to enforce in a consistent and non-discriminatory manner. This is a tough ordinance for me at the beginning, because my training has been to examine an ordinance in its present situation, evaluate it, and try and improve it. I rarely just toss something out because it is old. Change is only good if it achieves a positive objectives, which were met before, and also eliminates problems which were in effect, or achieves to also meet other positive objectives. Was our old ordinance perfect? Certainly not. Was a new ordinance, as it came in, excellent? Certainly not. Has it gotten much better? Absolutely. We are so close. We are so close to making this work. And to cut through all this, we set the example as an administration, as Council. We have a mediation program that we implemented. Let's get this right, and let's have the thing pass unanimously. It could be done. If they're going to have to take concessions on everybody's part, yeah, we can battle over what the Charter says and what it doesn't say. And on one hand the citizens will pay for this, and on the other the citizens will pay for this. Let's do what to me is for the citizens' best thing. Or serving the citizens means ensuring that domestic animals and wild animals are handled in the most humane way, taking into account legal considerations and economic considerations. We're almost there. All we have to do now is make this ordinance fit the spirit and letter of the Charter and it's there, and it'll pass unanimously. It can be done."

President Albier: "Thank you Mr. Shaper. We'll probably have some questions for you when we get to the ordinance. Next is the Rec Board, Mr. Al Sforzo."

Comm. Sforzo: "Thank you Mr. Albier. A couple things to report on. Baseball registration, April 16th 10-2; Wednesday, April 20th 6-8:30; Wednesday, April 27th 6-8:30 p.m. We are also still looking for youth baseball sponsorship, so anyone interested please contact the Recreation Department. Friday, April 29th, Saturday, April 30th we have an ice show starting at 7 p.m. And the title is Let Me Entertain You. And as you know, in the past, our ice shows have been always great, so I urge everyone who's available to go there and see our ice show. The Day Camp, as the Mayor gave you the time, Maria McGinty, who's in charge, spoke to some parents, and they seem to agree that 8:00 would be much better suited to their job. She has extended the Day Camp sign-ups for two weeks. The two new dates will be April 23rd from 11-1, and April 30th from 11-1. We need a minimum of 50 children to hold this program. Also, the Mayor and Kathy spoke about the sport court. After the damage was reported, and the Mayor and myself and some of my staff, the Service Director and Chief Murphy met, and we had to make a decision on what to do to make the repairs. So what we did is chose to close the park, which wasn't open anyway. What happened was they broke the fence to get in. And it not only was the skateboarders, it was basketball players too, 'cause they broke a basketball backboard. So we decided that we've got to work out the best solution to take care of the residents of

Brooklyn. So we are working on that presently, and when we come up with that solution we will re-open the park. Thank you."

Councilwoman Pucci: "Mr. Albier..."

President Albier: "Mr. Sforzo, how many people have signed up for the Day Camp so far?"

Mayor Patton: "Six. Six."

Comm. Sforzo: "Six?"

President Albier: "Six. And we need 50."

Comm. Sforzo: "Yeah, we need 50. But that was before we had the new hours. So from what Maria McGinty has stated, there seems to be more interest with the earlier opening."

President Albier: "Okay, hold on one second, I think Mrs. Pucci has a question."

Councilwoman Pucci: "Al, I just want to know... I know you're leaving, so but, this summer are we going to enforce our policy that after 5:00 it's residents and their guests?"

Comm. Sforzo: "Yes. One of the things that we're going to look at..."

Councilwoman Pucci: "Okay, because that's going to go a long way to solve that problem."

Comm. Sforzo: "Yes, we are definitely working. That's one of our ideas."

Councilwoman Pucci: "Okay, one more question. I know that the official opening was always Memorial Day weekend, and that's when we had first the attendants and then the auxiliary police officer. But when the weather was nice, you know, starting in May, we would open the gates. So I don't know what your intentions are, if you're going to wait till Memorial Day weekend?"

Comm. Sforzo: "Well we're in the middle of now trying to make repairs and stuff. So once we do that I'm sure the Mayor..."

Councilwoman Pucci: "Okay, and do you support calling together the skateboarding kids and parents?"

Comm. Sforzo: "Oh yes. There was damage done, a lot of damage done, and graffiti. So we have it stated right in our brochure that any damage done we will close the park. And we did it last year when they caused a problem there. And the youngsters from Brooklyn reported who had done the damage. It wasn't Brooklynites, so that's a problem we have. So we are going to... Well I'm sure we'd meet with the parents and the kids."

Councilwoman Pucci: "Okay, and we're going to also need probably some extra patrols back there too to ensure that people aren't breaking in again."

Comm. Sforzo: "Well Chief Murphy is working on that, and he's going to do the best he can."

Councilwoman Pucci: "Okay, and thank you for your assistance."

Comm. Sforzo: "Thank you."

Mayor Patton: "Council President, could I have one more minute?"

President Albier: "Yes Mayor."

Mayor Patton: "Can we cut through any red tape that might be going on here tonight and make a motion to change the time of Day Camp from 8-2:45, with the consensus of Council."

Councilwoman Pucci: "My suggestion actually was going to vote to extend the hours to the six hours and 40 minutes and then let the Rec Department use their discretion? I don't think we want to be locked into that necessarily. Do you know what I'm saying? So I would move that we support extending the hours of Day Camp for six hours and 45 minutes daily at the discretion of the Recreation Department."

Councilwoman Gallagher: "Second."

Councilman Coyne: "Second the motion."

Councilwoman Brown: "Discussion."

President Balbier: "Mrs. Brown."

Councilwoman Brown: "Originally I was really ambiguous about extending the hours. But upon reflection and thinking it over, I will go for it for one year and see what happens. I don't want to close off all avenues by saying, well 30 years ago this is what worked well. Thirty years ago doesn't work now. So yeah, I'll go along with it for one year and see how it works out."

President Balbier: "Thank you Mrs. Brown. Any other Council wish to comment? Take the vote Mr. Fisk."

Clerk Fisk: "On a motion to extend the hours for Day Camp, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Balbier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Balbier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Mayor Patton: "Okay, Mr. Sforzo, please prepare from 8-2:45 tomorrow and get these letters out to the schools so that they know the hours have changed and sing-ups are extended. Okay? Thank you. Excuse me, George, do you want to make any report this evening? Okay."

President Balbier: "The next item on the agenda is a liquor permit. Anything that has to do with liquor permits goes through the Ohio Division of Liquor Control, and then they notify the city where the establishment is. And my understanding is that this is the Texas Roadhouse Holdings at 7341 Northcliff, and it only involves a transfer of stock within the corporation. And the city has two choices, they can either request a hearing on this or we do not request a hearing. And usually we ask the Police Chief if he has any comment he wants to make about this before we approve or disapprove it."

Chief Murphy: "We have no objection to it."

President Balbier: "Okay. Do we have to vote on this Mr. Fisk?"

Councilwoman Pucci: "Move no objection."

Councilman Coyne: "Second."

Councilwoman Gallagher: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To authorize no objection to the stock transfer on the liquor control, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Next is the audience remarks pertaining to legislation on the agenda. If anyone has any comments they would like to make on the three ordinances we're about to discuss, come forward and state your name and address. Okay, there being no one coming forward, the first one is **ORDINANCE 2004-70**, the third reading, Amending Chapter 505 entitled Animals and Fowl of the General Offenses of the Codified Ordinances of the City of Brooklyn. And because this ordinance has a lot of controversy, I think each Councilman might have something to say. So we'll start with its originator, Mrs. Gallagher."

Councilwoman Gallagher: "Thank you Mr. Albier. I just have a couple comments. As everybody knows, I put in, and my daughter, a hundred of hours of research into this animal ordinance. My daughter had gone to other cities and researched it. And also I met with a law director who has over 20 years of experience in three different cities. And I tried to meet with our Law Director, but he wasn't on the same page with me. And I really thought with a law professor from Case Western Reserve going over this, and the APL, and all the other animal control officers from other cities, and most of it came from codified ordinances from different city, that we would have no problem. I even bent over backwards for everybody here on City Council, and I changed a lot of things. And let me tell you one thing, I'm not changing anything else on this animal ordinance tonight. First of all, I had the two Safety meetings, and Mr. Frey, you had every opportunity at the last Safety meeting, but you chose to stay quiet. Now how long have you been on City Council?"

Councilman G. Frey: "I've been on City Council for 20 years."

Councilwoman Gallagher: "Okay, 20..."

Councilman G. Frey: "I raised the issue..."

Councilwoman Gallagher: "Now wait a minute."

Councilman G. Frey: "...at the first Safety Committee meeting, and you shouted me down. At the second Safety meeting I again stated that I have problems about the finances..."

Councilwoman Gallagher: "And you're right..."

Councilman G. Frey: "...and they were ignored."

President Albier: "Okay, hold it, hold it. Finish talking Mrs. Gallagher, and then Greg you could respond."

Councilwoman Gallagher: "You've been on 20 years. Now I've tried to bring up legislation that I think is good for the city. I've done a lot of researching through the city. And I don't know how much legislation you've brought, but I've done a lot of work. And I met with our Law Director, I met with the law director who told me this ordinance has teeth in it, from another city. He went over everything. We spent two days on this ordinance. And I feel that it's a good ordinance. And you had every opportunity the last Safety meeting to say something, and you didn't. But you chose publicly to come out and say this, and I have a problem. Shame on you for this. This should have been... I wanted to deal with this in the Safety meeting, and I wanted to get everything ironed out. And now there's being games played, and I'm not going to stand for it. I've done everything. I've bent over backwards. And I'm not going back to the drawing board again. So whatever Council thinks, you know, that's up to you. But I've done everything, I've researched it, I've gone to other cities. Nobody has a problem with it except a couple people on Council. And that's all I have to remark."

President Albier: "Thank you Mrs. Gallagher. Mr. Greg Frey, now you can respond."

Councilman G. Frey: "Mrs. Gallagher, I apologize for interrupting you. However, I did raise the issue at the first Safety meeting, and I kind of got shouted down. I then got told by Mr. Coyne that I had the cart before the horse, okay. I specifically talked about the financing of this ordinance and what it was going to cost. At

the second Safety Committee meeting... I'm not a member of the Safety Committee by the way. At the second Safety Committee meeting, when it was asked if I had anything to say, I again expressed my reservations about the costs. Okay. The issue of confirmation by the City Council... Actually I didn't catch it the first time I read the ordinance, I caught it the second time I read the ordinance. If I had caught it earlier I would certainly have brought it up at the Safety Committee meeting. I didn't. I apologize for that, I didn't. I think the two things that I brought up are reasonable, and I think that we should change those two little items. Number one, how can you pass an ordinance that doesn't specify what it's going to cost? That's what Washington does. It's what the State of Ohio does. Ladies and gentlemen, the bill for this is not going to be paid by the law director with 20 years experience. The bill for this is not going to be made by a professor from Case Western Reserve. The bill for this, this year, next year, and every other year, is going to be paid by you, the taxpayers of the City of Brooklyn. I am asking that we at least put some kind of language in it to cap that expense until we're familiar with what it's going to cost. I think that's very reasonable. The other issue that I bring up is the confirmation by the Council on the hiring of an animal control officer. The Brooklyn City Charter very specifically states which offices are subject to confirmation or approval by the Council. If the Council were to decide that they want to usurp the Mayor's hiring authority, then they ought to go to the Charter Commission and get a Charter issue put on the ballot that holds all hiring to be done by the City Council. I think that would be a horrible change. But that's how the City Council ought to do it, if that's what they think. So I will move that we change those two items, 505.01, that we eliminate 'shall be confirmed by the City Council', and 505.01-C number 16, that we put in language 'not to exceed \$25,000'. If we could agree on that I'm voting for this ordinance. As I said before, Mrs. Gallagher, I'm grateful for the work you did on it, I'm grateful for the work your daughter did on it, the law professor and the law director. I'm grateful for everybody's work on it. I think it's a good ordinance. I think it addresses some problems that we have. I have two very specific objections to it, and I can't vote for it if they're not addressed. That's all I have to say."

President Albier: "Okay, Greg, could we hold off voting on that till each Councilman has their talk?"

Councilman G. Frey: "Sure."

President Albier: "Okay, thank you."

Councilwoman Brown: "Discussion."

President Albier: "You'll have your turn Mrs. Brown."

Councilwoman Pucci: "I think we're going in order."

Councilwoman Brown: "Oh, okay."

President Albier: "Mr. Tom Coyne please."

Councilman Coyne: "Thank you Mr. Albier. On 505.01C Sufficient Funds. Number one, the Mayor's the Chief Financial Officer of the city, and that's been the way it's been ever since day one. After some, for lack of a better word, fiascos with Finance Directors, we finally have a man I consider, Gale Fisk, a very fine Finance Director. I think he's done an excellent job of keeping the city in check, as far as the finances. Sufficient Fund is something that both the Mayor and the Finance Director have every ability to work out. We don't have a limit on the SWAT team, we don't have a limit on the fire, the DARE program. We don't have limits on all these other programs, why do we need a cap on this particular program? Why can't we leave it to the Mayor as the Chief Financial Officer to figure out what he needs to sufficiently, adequately fund the program. That's all I have."

President Albier: "Thank you Mr. Coyne. Mr. John Frey."

Councilman J. Frey: "Thank you Mr. President. I also support Gregory's comments, Tom Shaper's comments, Mayor Patton's comments. I support both of those, and I have an additional problem with this. And I'd like to read a little bit of this, okay. Starting on page, I'll start on page one. Animals that we have an ordinance for. 'All species, including by way of example and not by way of limitation, all antelopes, bison, camels, deer, giraffes and hippopotamuses, all species of panthera and felis, except felis cadis, coyotes, foxes,

jackals, wolves, all species including by way of example but not way of limitation, all species of bear, all badgers, martins, minks, skunks and weasels, coatis and raccoons.' Whatever coatis is, I don't know. 'All species including by way of example not by way of limitation, all hyenas, all species including by way of example and not the way of limitation, all anteaters, armadillos and sloths, all kangaroos, possums and wallabies, rhinoceroses and tapers, all species including but not way of example, not by way of limitation, all chimpanzees, gorillas, lemurs and monkeys. All species including by way of example but not way of limitation, all elephants, all beavers, porcupines and squirrels, African twig snakes, brown tree snakes, boonslangs, mongrel snakes, cobras, coral snakes, mambas, crabs, adders, sea snakes and all other species of the family...' Can't pronounce nine out of ten of these words. '...as listed in Living Snakes of the World in Color by John M. Marines, Sterling Publishing. Gila monsters, Mexican beaded lizards, and all species including by way of example and not by way of limitation, all vipers, adders and ants...', and it goes on and on. And I don't see any need for all of these being in the Brooklyn, Ohio ordinance. I suggest we revise the present ordinance that's on the books and not throw that out, and put in a new 30 page, we have 30 pages on this new ordinance. I cannot vote for this ordinance. That's it."

President Balbier: "Thank you Mr. Frey. About four months ago, I think in November, Mrs. Gallagher showed me the first draft of this ordinance, and after I read it I had about 15, at least 15 things I didn't like, and I told her what they were. And she has bent over backwards changing all these things. And Mrs. Pucci called two Safety meetings, which were lengthy. Everybody talked on it and said what they wanted, what they wanted, what they didn't want, and she revised it again. She took out controversial subjects, re-worded things we wanted re-worded. Like, I'll just give you one example. One was transporting dogs in the back of a pickup truck. And there was an expert there from the Animal Protective League, and he said he'd handled an accident where someone slammed the brakes on, and both dogs went flying over the truck and went into the street and caused an accident. So we right away put in there, no dogs allowed in the back of a pickup truck. But then afterwards when I thought about it, I know people that have dogs in field trials, and they transport them in the back of pickup trucks, only they're in cages. So they re-worded it again and said you can transport it in the back of a pickup truck as long as it's properly secured. And that's the way we went through this whole ordinance until we have what we have here tonight. I know it's not exactly what Mrs. Gallagher wanted, but we've all worked on this. And as far as Greg says, I must have overlooked that. I agree with Greg when it says, shall be confirmed by the City Council. And that goes against our Charter. Because the Charter lists who has to be approved by the City Council, and the animal care officer isn't one of them. And I think Mr. Shaper is telling us that... Would you come up to the mic Mr. Shaper. Are you telling us that the way this is worded it goes against our City Charter?"

Director Shaper: "Rich, that was in my letter that you have a copy of. And I want people to understand this. When you're in a situation and you try and make suggestions, you do what you can, and then if there comes a point in time where it appears this is going to pass, you don't want your Law Director finding every flaw and saying this is wrong, that's wrong, this is wrong. That's not in your interest as a resident. Therefore, there are certain things that you bring to people's attention. If you get heard, that's good; if you don't get heard, you try a different way. I did point this out. And I want to point out, and I don't want to put something down, but my interpretation, which is my interpretation, other people can have theirs, the way it is now I don't even understand it. Where it says, 'An animal care and control officer shall be employed, contracted or appointed by the Mayor, and shall be confirmed by City Council...' It says they shall be confirmed by Council. Now if you look at like the Safety Director, it says 'He shall be appointed by the Mayor subject to confirmation by the Council.' It is semantics. But the important difference is, one is placing a burden on Council, saying you shall confirm them. I don't know what that means. If that's imposing a duty upon you where you have to do it, I understand what it means in the Charter where it says 'subject to confirmation by the Council.' Now understand this, I can go through this ordinance and I could find all sorts of things wrong with it; and somebody else could go through an ordinance I draft and I'm certain they're going to find flaws in it. It happens. I had brought to the attention the two things that I thought were most important. What is a Charter? A Charter is the residents speaking to the city and saying this is what we want. Of all the documents that we have, the Charter is the one that tells the residents, who we serve, I don't know what is higher authority, legally speaking, in a local community, than the Charter. And I did point this out. But I didn't get up and jump around and demagog or whatever you want to say, I put it in a private letter to the person who had requested it, because I felt it would be much better addressed by that. I am not out trying to steal somebody's thunder. If we're going to have an ordinance, and this is going to be better, let's do it. I will again say this, I don't understand what is in it for somebody to back themselves up into a corner. This isn't

about whether this person gets the credit for it, that person gets the credit for it. What it's about is, are the residents served? I don't have time for egos. Let's get this thing going."

President Albier: "Thank you Mr. Shaper. The only thing, Greg, that I would like you to do, if I can't tell you how to do this, but I would like you to put two of them separately. Put in that just shall be confirmed by the city is one vote, and then voting for the other, instead of combining the two of them together. Also, there's a lot of good things in this ordinance. Like the shelter for animals. You can't take your dog, put a chain around his neck, and put him to a tree and leave him outside for six weeks. You know, it's against the law under this ordinance. You have to have proper housing for him. Like the doghouse has to be insulated to keep them warm in the wintertime. It has to have straw in it. It has to be two inches off the ground. There's a lot of good things in here. So I doubt if the two things that I don't particular care for, I don't think it's enough for me to vote against it, but I would like to see them, those two items changed, like Greg said. Kathy."

Councilwoman Pucci: "Thank you Mr. Albier. First of all, Mayor, at the last Council meeting I said, 'And Mayor and Mr. Shaper, if you could also review it and if you have any major concerns it would be possible to get that information to Council by this Friday so that we would have a chance to review it over the weekend, we'd appreciate that.' Now I understand that you can't attend every meeting, we had the meeting last week, but I also did not get anything from you. And Mr. Shaper did give us all a letter saying that he had no other further suggestions, I believe, falling back on your original correspondence to us. Am I correct in that?"

Director Shaper: "I said I had no specific..."

Councilwoman Pucci: "Right."

Director Shaper: "And I said what I asked for in the first letter, it still remains, and that is what is stated in the first letter, my opinion that it is against the spirit of the Charter."

Councilwoman Pucci: "Right, I understand that, and we appreciated your correspondence letting us know what your position was."

Director Shaper: "Okay."

Councilwoman Pucci: "Secondly, Mr. Frey, this is just a minor thing, those are only definitions in the beginning of the ordinance. That's a very common things in ordinances. We have definitions in our existing animal..."

Councilman J. Frey: "Are you addressing me?"

Councilwoman Pucci: "Yes. I'm sorry, I should have said Mr. John Frey. Those are simply the definitions. We have definitions in our existing animal ordinance; and I realize they're not as extensive, but he world has changed. You have people with exotic pets, and I think this is being proactive so we don't encounter a situation down the line, and then we don't have anything in our ordinance to specifically address it. So those were only definitions."

Councilman J. Frey: "May I respond for one second?"

President Albier: "Okay Mr. Frey."

Councilman J. Frey: "Thank you Mrs. Pucci, but I too at the last meeting, or second last meeting, objected and wanted to discuss a certain phase of it, and I too was shouted down. And the people that were at that meeting, Gutweins, what have you, they realized that. After that I got up and I left the meeting. So a few times this meeting was not civil. Somebody really interested in this pushed this has got to go. And I thought there was maybe with some discussion I would like to have on it. So I've had my discussion, and fine, thank you for listening."

Councilwoman Pucci: "Okay. The other area is, Council appropriates the money, and Greg, I do understand what your point is. I think we do have control over it, because we do appropriate the money each year. I do

understand your concern. And I'll be honest with you, I don't have a problem capping what we pay the wages. As far as the vehicles and equipment, we already have the truck... I'm assuming we still have it, right Mayor, the dog warden truck?"

Mayor Patton: "Mr. Kappler?"

Director Kappler: "Yes we do."

Councilwoman Pucci: "Okay, and I think it's always been like a hand me down type thing. So I really don't see that that is getting into an area where we're going to have a problem. So I don't know, Greg, if that satisfies your issue or not. You know how it's all lumped in, where it says... Just a moment. What was the number?"

Councilman Coyne: "Sixteen, page eight."

Councilwoman Brown: "Sixteen."

Councilwoman Gallagher: "Page eight."

Councilwoman Pucci: "Each annual budget of the city for personnel, a badge and uniform I don't think is much. And then vehicles and any other equipment necessary. We do have, you know, some of the equipment that is necessary. So I don't know if that's..."

Councilman G. Frey: "To me, the 25,000 number is not in stone. We're gonna talk about 24, 26, 28, 30, that's fine. Let's talk about that. The discussion may be worth having. However, I think it is a fiscal mistake not to put a number in there, okay. And I won't vote for it unless there is some kind of a mechanism to cap the spending of this program."

Councilwoman Pucci: "Okay, the other thing, regarding the Charter issue, we did have discussion about that in the first Safety Committee meeting, and I raised the issue, and Greg I'd like your thoughts on this because you were on Council a lot longer than I have been, the confirmation for the Rec Commissioner. I believe that's done by ordinance? I raised that issue with you Mr. Shaper, did you have a chance to look into that at all? The Rec Commissioner is not listed..."

Director Shaper: "I was shown that that ordinance was passed, that I believe it was 1997..."

Councilwoman Pucci: "Okay. No, the ordinance had to be before '97, because you..."

Director Shaper: "Well it may have been, but my point is, I don't have control over an ordinance that pre-exists me. If somebody came to me and said are we obligated to go through that, my advise would be, probably not. I would say, let's work it out with the Council, because issues of who's stronger in a check and balance thing are difficult questions. They're not good for the community. There are communities around here that have landmark cases, and I would like to be a community that doesn't have a landmark case on this. Yes, it has been done here, and you can certainly put a Law Director in a bad situation by saying do we have an ordinance on the book that he wouldn't approve? Yes, we do. Should we follow that as precedent? I would say no, we shouldn't do that. And should we clean that one up? I think that would be a good suggestion. Once again, what this comes down to is, how do we make the ordinance that is most effective, efficient and serves the residents. The fact that somebody didn't say something at a meeting, or didn't say something at a meeting is probably as irrelevant a reason as there is..."

Councilwoman Pucci: "But that's actually beyond my question, so..."

Director Shaper: "I'm sorry, I didn't realize I was cut off..."

Councilwoman Pucci: "...if I could get back..."

Director Shaper: "...I'll leave it there."

Councilwoman Pucci: "No, I mean you answered my question, I have the floor now. I'm sure you'll be recognized again. You understand my point, right, it's not personal. It's just getting off..."

Director Shaper: "No harm taken."

Councilwoman Pucci: "Okay, good. The other issue is, there have been massive changes to this ordinance. Massive changes. The area of the confirmation by Council, as people will understand, stems from a sense of distrust because of what happened last summer. Our questions on the matter were never answered fully. Never. And I think that's where it stems from. Now I have a thought, I don't know if it's workable or not, but if there could be a hiring committee, as you've done in the past, Mayor, and if there could be a representative on Council, or of Council, on that committee, to sit in on the hiring process. I don't know if that satisfies both sides or not, but it's just a thought. The other thing, Mayor, you have the Charter issue, the wildlife, which most cities do not provide the wildlife control because it's too expensive. We did take that out, because we do still want to provide that service for our residents. But along with that, we need to have education, because there's a lot of things you can do to discourage the wildlife from coming in your yard. And the only way we're going to have that education is if we have our own animal control officer in the city. You mentioned the impoundment costs for repeat offenders. And what was the other issue? I couldn't write fast enough, I'm sorry."

Mayor Patton: "Well I'll give you a copy of it if you want. It does not have financial limitations or ranges for funding for the animal care and the animal warden, the demands of supplying a shelter and continuing education. Fees are not addressed for the cost of trapping..."

Councilwoman Pucci: "That's the wildlife."

Mayor Patton: "...adoption, for the repeat violators on the impoundment violations, or for animal disposal."

Councilwoman Pucci: "By disposal do you mean of the wildlife?"

Mayor Patton: "Yeah, there's a portion in there that says if a resident has an animal for disposal that they'll call the animal warden and he'll dispose of it. And there's no cost associated with that."

Councilwoman Pucci: "But are you talking about wildlife or domestic?"

Mayor Patton: "I don't know where it was..."

Councilwoman Pucci: "Because I think that was one of the things that you had brought up..."

Mayor Patton: "It's right here on page 26, starts with (g) at the bottom, 'No person shall permit any dead, domestic animal to remain undisposed, of which he or she is in charge of or in control. The person may contact the animal care and control officer who will dispose of the animal for a fee.' So it doesn't say domestic or..."

Director Shaper: "It says domestic in there."

Councilwoman Pucci: "Yeah, it did say domestic, that was in the beginning."

Mayor Patton: "Okay. But there's no fee associated with that. Councilwoman Pucci, I have no problem getting one person from Council to assist myself in hiring an animal warden."

Councilwoman Pucci: "Okay. And I don't know what everyone else's thoughts are about, really everything that's been said."

President Albier: "Are you finished?"

Councilwoman Pucci: "I guess, for now."

President Albier: "We'll vote on it in a few minutes. Mrs. Brown."

Councilwoman Brown: "Yes, thank you Mr. Albier. Well, we do have, of course the unfortunate experience of last summer when we feel an inappropriate person was chosen to be our animal warden, and that's why it came up with confirmation by Council. But of course we are obliged to follow the Charter. There's no ifs, ands or buts about that. We have sworn to uphold the Charter. And so myself, I shall uphold the Charter, and trust that we will get somebody appropriate as a warden. And I hope I'm not putting my trust in jeopardy. But I will go by our Charter and remove, 'shall be confirmed by City Council.' As for the sufficient funds, Tom Coyne was absolutely right, we don't have limits on everything that we have. Every year we work on the budget. The budget says... Okay, we have had to touch our Council for instance, our Council funds were cut by what, 10,000? Something? What, was it cut from 25 to 15?"

Councilwoman Pucci: "The outside counsel."

President Albier: "Outside counsel."

Councilwoman Brown: "So, you know, we all suffer on this. But sufficient funds itself, right now we don't know what sufficient funds are. But remember, the animal group hopes to have volunteers, donations, fundraisers, to help in all of these areas. They're not just going to fall back on the city and say we need this much for food. We have grocery stores who are going to donate food for the animals. This isn't a burden going to be entirely on the city. And I firmly believe that we start small, and as we have the money we will grow. But the important thing is to have, which we already have, we have a future home, Council has passed that, that is a big step. We can now use that in fundraisers. We do have a future home, \$50,000 to build whatever we can have. We already have cages, and we can probably have cages donated. And I really don't find a problem in the funding. I...the problem, I want to follow the Charter. And that's all I have to say."

President Albier: "Thank you Mrs. Frey (Brown). Now before we vote on..."

Councilman J. Frey: "Thank you who?"

President Albier: "Mrs. Brown, I'm sorry. I was thinking about Greg in my mind. Before we vote on Greg Frey's motions, does any other Councilman have something to say?"

Councilwoman Gallagher: "Yes, Mr. Albier."

President Albier: "Yes, Mrs. Gallagher."

Councilwoman Gallagher: "Mayor, I just want to let you know, three months ago you said at a public meeting, in fact you asked me if I wanted to be on that committee to hire an animal control officer, if you could recall, and I would not like to be on that animal committee. So I do not, as one Councilperson, I don't want to be on it. So you can put somebody else if you decide to do so."

Mayor Patton: "I think Council should elect their own..."

President Albier: "Well we'll work on that as soon as we get past the ordinance."

Councilwoman Pucci: "May I ask Mrs. Gallagher a question? Is that acceptable to you, though, that a member of Council sit on that committee?"

Councilwoman Gallagher: "That's acceptable to me."

Councilwoman Pucci: "Okay."

Councilwoman Brown: "And me."

President Albier: "Anyone else? Alright, Greg, you want to make your motion?"

Councilwoman Pucci: "Mr. Albier, could we go through and just clean up some of the, there's some typos."

President Albier: "Alright."

Councilwoman Pucci: "I mentioned it at the beginning of the meeting. They're very brief."

President Albier: "Okay. Alright."

Councilwoman Pucci: "I don't want to pass it and then have to amend it."

President Albier: "No, that's fine."

Councilwoman Pucci: "Page one, under Abandon. Instead of hour it should be hours. And it's the third line down. And then I'm not going to do anything with the appointment, because I think Greg's going to make a motion on that. Okay, hold on. On page 16 at the bottom, Animals Running at Large. In the parenthesis, that was part of the correction, where it says, 'or upon any unenclosed land', it's indicated that that was omitted, so we just need to put a line through that. Page 17, fifth paragraph, second line down to the right, it should be 'public'."

Clerk Fisk: "What one was that again?"

Mayor Patton: "One more time."

Councilwoman Pucci: "Okay, sorry."

President Albier: "Is that under (f)?"

Councilwoman Pucci: "Page seven, yes, (f), second line down, 'destroy any public or private property'. Page 22, towards the bottom under (e) trapping, fourth line up from the bottom, it should be 'wildlife removal'. And I do have a suggestion on page 24, what the Mayor mentioned about the impoundment, 'shall increase with repeat impoundment.' What if we made it read, 'impoundment shall double with repeat impoundment?' Would that satisfy everyone? Because it indicates that it's going to double. Does that take care of your concern Mayor?"

Mayor Patton: "Yes."

Director Shaper: "Kathy, are you going to do it exponentially? I mean, you're going to go two, to four, to eight, 16... Is that what you're saying, or...?"

Councilwoman Pucci: "How do you want it worded?"

Mayor Patton: "Double the cost of their last expense."

Director Shaper: "But it's double the cost of their last expense, I mean, you're going to be way, way up..."

President Albier: "Yeah, way up."

Mayor Patton: "Maybe they'll take care of their animal again."

Councilwoman Pucci: "Just double the base cost?"

Director Shaper: "What section are you in?"

Councilwoman Pucci: "Page 24 towards the bottom, where it says, 'fees and costs associated with impoundment shall increase with repeat impoundment.' "

Mayor Patton: "Impoundment's \$15, housing and feeding per day is \$10, and certified mail's actual cost."

Director Shaper: "I'm thinking out loud, but 'shall increase at the same amount as the base amount stated above.' So that the \$15 one becomes 30, and the next time becomes 45, and the next time it becomes 60. And the one that's 10 goes 10, 20, 30, 40 as opposed to going 15, 30, 60, 120, etc."

Councilwoman Pucci: "Is that what everyone... Okay."

Director Shaper: "Do you follow what I'm saying?"

President Albier: "Yeah, but that could still increase up to a huge amount too, though, right?"

Director Shaper: "Well it's going to increase a lot slower, it's going to be an arithmetic..."

Councilwoman Pucci: "Well it just depends on what our intent is. Do we want it to keep escalating or do we want to say that it's double, so no matter if it's a third, fourth, fifth, the impoundment would be \$30 if we double it. Or do we want it to keep going up?"

Mayor Patton: "We could come back with a listed fee schedule at the next meeting to amend it too. To have it in writing."

Director Shaper: "Do you want it to double and remain where it's doubled if they repeat? I don't know your intent. If I know your intent I can put it into words."

Councilwoman Pucci: "Right."

President Albier: "You could put it double but not to exceed, and put a number there, like \$200."

Director Shaper: "That's an excellent idea."

Councilwoman Pucci: "That's a good one."

Councilwoman Gallagher: "Yeah, that's good."

Councilwoman Pucci: "Double with repeat impoundment not to exceed, what did you say Rich?"

President Albier: "Say \$200."

Director Shaper: "Per violation."

President Albier: "Per violation, right."

Councilwoman Pucci: "Okay, page 27, under 505.29(b), third line, instead of 'bit' it should be 'bite'. And, I'm sorry, at the top of the page that was one of the Mayor's concerns. 'A person may contact the Animal Care and Control Officer who will dispose of the animal for a fee of...' What do we want to say?"

Director Shaper: "Do you want X dollars per pound? I mean, you don't have to fill in the amount..."

Councilwoman Pucci: "Right."

Mayor Patton: "That would take in the euthanization costs if that's going to be included in that too, correct?"

Councilwoman Pucci: "Yes. Well, no, I think it said... No, dead. Yeah, this is just disposal."

Mayor Patton: "A dead domestic, alright."

President Albier: "Do we need a fee in there?"

Councilwoman Gallagher: "No."

President Albier: "We keep changing it."

Councilwoman Pucci: "Well it says, for a fee, so what do you think Colleen?"

Councilwoman Gallagher: "It doesn't need to have a fee."

Councilwoman Pucci: "Okay."

Councilwoman Gallagher: "Just remove that."

Councilwoman Pucci: "Will dispose of the animal, period. And then the other, I think it's the last one on page 29, under (e)1. Just instead of 'dog warden', just to be consistent I think we should say 'Animal Care and Control Officer.'"

Mayor Patton: "I've got one, a spelling mistake on page 28, top of the page, number three. It says 'is a pit bull terrier', I believe it should read 'if'."

Councilwoman Pucci: "Okay, is that everything?"

President Albier: "I doubt it. Is that it Kathy?"

Councilwoman Pucci: "That's it. That's all I have."

President Albier: "Does anybody else have anything? Then we'll entertain Greg's motion for the..."

Councilwoman Pucci: "I think the Mayor missed something."

Mayor Patton: "Page 24, adoption fee."

President Albier: "Hold on Greg."

Mayor Patton: "They're going to enter into an adoption agreement..."

Councilwoman Pucci: "Where is it?"

Mayor Patton: "Number (f) on page 24."

Councilwoman Pucci: "Shirl, is there an adoption fee?"

From audience: "Yes there will be, but that will be set by ... (can't hear)."

Councilwoman Pucci: "Okay. Okay, so as the non-profit group taking care of the animal and trying to get it adopted, the Brooklyn Animal Shelter will set up the adoption fee? Okay. And is that acceptable with everyone? Since they're actually going to have custody of the animal, right?" (couldn't hear response)

Director Shaper: "Kathy, if we're going to try and get accurate minutes, we're going to have to have Shirl come up here and answer, if she wanted..."

Mayor Patton: "Shirley."

Councilwoman Pucci: "Shirl."

Director Shaper: "Your name changes every time I see you."

Mayor Patton: "Okay, so no adoption fee, that's something that the Brooklyn Animal Shelter group's going to handle?"

Mrs. Palumbo: "No. The way the non-profit group is, they brought the animal care, and everything that happens to the animal once the warden hands over the animal, or as we say, donates the animal to BAS, Inc., we are responsible for its care, from that point on till the time it goes out of the shelter. We have policies and procedures and we have by-laws in place. The things that we have to work out between us and the city and the Safety, well, you, is what we're going, what our impoundment procedures are going to be, you know. Who residents call, what hours we're going to be open, and that's going to be dependent on when the ACO's there and when are volunteers are going to be there to take care of the animals."

Councilwoman Pucci: "Okay, thank you."

Mayor Patton: "Tom."

Director Shaper: "What that means is this will be continued at a later date, because once that 501C3 is up and running, there will be an agreement between the city and the 501C3, and it will likely will interact with the ordinance that is up tonight. And it might mean that the ordinance that will be passed tonight will be amended to reflect that. As to where we are in the stop gap, again, there have been a lot of compromises made differently. We're close and we're not going to be able to nail down everything. But I think by the time the 501C3 is up and running, and we know how it's going to take place, we're going to have to amend part of this ordinance anyway. If the compromises can be reached, it might be in the interest to pass this with the compromises."

Councilman G. Frey: "Mr. Albier..."

President Albier: "Yes."

Councilman G. Frey: "May I be recognized?"

President Albier: "Yes you may."

Councilman G. Frey: "I really feel very strongly about the 'shall be confirmed', okay. I am going to make that motion that we take that language out of there. Regarding the funding, may I offer a suggestion?"

President Albier: "Certainly."

Councilman G. Frey: "Mr. Fisk, would you be willing to every three months update the Council as to the cost of the implementation of this ordinance so that we can monitor it on a continuing basis?"

Clerk Fisk: "Certainly."

Councilman G. Frey: "Can you do that? Can you isolate the costs?"

Clerk Fisk: "Sure."

Councilman G. Frey: "If we can do that, then I'll withdraw the second part, okay. If anybody else wants to compromise a little bit, I'll compromise."

President Albier: "That's excellent Greg."

Councilwoman Pucci: "May I be recognized? Gale..."

President Albier: "Wait, are you finished Greg?"

Councilman G. Frey: "Yes, I'm done. I'm not making any more compromises."

President Albier: "Okay. Kathy."

Councilwoman Pucci: "Gale, we need to be sure that we can really break it down as far as wildlife, domestic. You know, we just don't want it all lumped together. Do you know what I'm saying?"

Clerk Fisk: "I'll be happy to work with you, or Mr. Frey, or however you want to break it down."

Councilwoman Pucci: "Because then we're going to know where the resources are going."

President Albier: "Right, right. Okay, thank you Greg. Now we'll entertain your motion on that 505.01."

Councilman G. Frey: "I move that we strike the language under (a) '...and shall be confirmed by City Council...' from the ordinance."

Councilwoman Brown: "Second."

Councilwoman Pucci: "And may I be recognized?"

President Albier: "Yes Mrs. Pucci."

Councilwoman Pucci: "I would just like to thank the Mayor for compromising, allowing one of the members of City Council to sit on a hiring committee. I think that'll go a long way with re-establishing the trust on this particular issue. Thank you."

President Albier: "Okay, Mr. Fisk, would you call the vote on Mr. Frey's motion?"

Clerk Fisk: "On the motion to strike 'shall be confirmed by City Council' from Ordinance 2004-70, Colleen Gallagher."

"Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

President Albier: "Well now I think we're ready to take the vote."

Councilwoman Pucci: "I have one quick question for Mr. Shaper. Do we need to make a motion on the changes that I read in, or was reading it in sufficient?"

Director Shaper: "I would suggest making the motion that the changes that Councilperson Pucci proposed are implemented into the ordinance."

Councilwoman Pucci: "Okay, so move."

President Albier: "I knew I spoke too soon."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To authorize the changes in Ordinance 2004-70, as proposed by Councilwoman Pucci, Colleen Gallagher."

"Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilwoman Pucci: "And Gale, you'll make sure we all get a copy of the amended version."

Clerk Fisk: "Yes."

Councilwoman Pucci: "Thank you."

Mayor Patton: "Could Council please select a person to join me in our..."

President Albier: "Wait, wait, Mayor, we have to vote on this first."

Mayor Patton: "Okay."

Councilwoman Pucci: "Move to adopt, as amended."

Councilman Coyne: "Second."

Clerk Fisk: "To adopt Ordinance 2004-70, as amended, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Excellent. Okay Mayor, you have the floor."

Mayor Patton: "Okay, I'd like..."

From audience: "Mayor, I'm changing a tape. We're at the climax too."

Councilman Coyne: "Now we know who has the final say on Council, Robbie."

President Albier: "We're past the climax, we voted."

Mayor Patton: "Okay. If Council could select a person to join me in the interviewing process for an animal control officer."

Councilwoman Gallagher: "I move to select Kathleen Pucci."

Councilwoman Brown: "Second."

Councilwoman Gallagher: "That's if she wants to."

Councilwoman Pucci: "That's fine. Thank you."

Mayor Patton: "Thank you."

Clerk Fisk: "To select Kathy Pucci to be on the committee to select an ACO, Colleen Gallagher."

"Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Councilwoman Pucci: "Thank you."

President Albier: "Before I go on with the other two ordinances, there was a couple of reports I have to read. The programs for the Brooklyn Senior Center for April, this is dated April 1, so it must be for March. They took in \$2,815.36. Charges and donations were \$13,423.66 total. The Brooklyn Mayor's Court for

March took in \$61,421.50. A check issued to the City of Brooklyn for \$50,541. A memo to the Mayor from Tom Ockington, Building Commissioner. The Building Department took in \$3,595.45 for permits and \$2,800 of contractor registrations for the month of March 2005. A report from the Fire Department. They had 59 fire runs in March and 126 rescue squad runs. The next Ordinance, its third reading, is **ORDINANCE 2005-17**, An Ordinance providing for the issuance and sale of \$4.3 million notes in the anticipation of the issuance of bonds for the purpose of paying costs of constructing a new fire station and acquiring an aerial ladder truck."

Councilman Coyne: "Introduced by all, suspend the rules."

Councilwoman Pucci: "Move to adopt."

Councilwoman Brown: "Second."

Clerk Fisk: "To adopt Ordinance 2005-17, Colleen Gallagher."	Councilwoman Gallagher: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."
"John Frey."	Councilman J. Frey: "Yea."
"Rich Albier."	Councilman Albier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."

President Albier: "And the last Ordinance, also the third reading, is **ORDINANCE 2005-18**. An Ordinance providing for the issuance and sale of \$1.5 million notes in anticipation of the issuance of bonds for the purpose of (1) improving Tiedeman Road between certain termini, (2) improving designated city streets, (3) acquiring property known as Marquardt Park to be used for recreational purposes, and (4) reconstructing Biddulph Road in cooperation with the Ohio Department of Transportation between Tiedeman Road and Ridge Road, and declaring an emergency."

Councilwoman Pucci: "Move to adopt."

Councilman Coyne: "Move to adopt as soon as possible."

Councilwoman Brown: "Second."

Clerk Fisk: "To adopt Ordinance 2005-18, Colleen Gallagher."	Councilwoman Gallagher: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."
"John Frey."	Councilman J. Frey: "Yea."
"Rich Albier."	Councilman Albier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."

President Albier: "Does anyone else have any comments to make? I'll entertain a motion to adjourn."

Councilman J. Frey: "I move we adjourn."

Councilwoman Pucci: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To adjourn, Colleen Gallagher."	Councilwoman Gallagher: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."
"John Frey."	Councilman J. Frey: "Yea."
"Rich Albier."	Councilman Albier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."

Meeting adjourned.

Clerk of Council

MAYOR